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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**DECLARATION IN SUPPORT OF
STIPULATED REQUEST FOR ORDER
EXTENDING THIRD PARTY
PROMONTORY FINANCIAL GROUP'S
DEADLINE TO RESPOND TO
SUBPOENA**

Judge: Honorable Susan Van Keulen

Case No. 5:20-cv-03664-LHK-SVK

DECLARATION IN SUPPORT OF STIPULATION TO EXTEND THIRD PARTY PROMONTORY FINANCIAL
GROUP'S DEADLINE TO RESPOND TO SUBPOENA

1 I, Ryan J. McGee, declare as follows:

2 1. I am an attorney with the law firm of Morgan & Morgan, P.A., counsel for
3 Plaintiffs in this matter. I have personal knowledge of the matters set forth herein and am
4 competent to testify.

5 2. Plaintiffs served a subpoena on Promontory Financial Group, and the International
6 Business Machines Corporation (“Promontory/IBM”) on or around September 17, 2021.

7 3. On or around October 26, 2021, Promontory/IBM served, by email, its objections
8 to the subpoena and Stacey Blaustein, counsel for Promontory/IBM wrote, “We will be circling
9 back about responsive documents shortly after our investigation is concluded.”

10 4. On November 22, 2021, I emailed Ms. Blaustein to inquire whether the
11 investigation had been concluded and providing a copy of the November 16, 2021 Order Granting
12 in Part and Denying in Part Defendant's Motion for Protective Order (Dkt. 335). Ms. Blaustein
13 responded that she was still “waiting to hear from one last person as to whether Promontory has
14 any documents still available on this engagement. None of the employees who worked on the
15 Google Privacy Assessment are still with Promontory; one went to IBM but he searched and does
16 not have any responsive documents.” Ms. Blaustein stated that she would know in a few days but
17 expected the number of documents to be small.

18 5. On November 29, 2021, Ms. Blaustein emailed to request an additional ten days to
19 respond to the subpoena. The basis for Promontory/IBM’s request was that, although Ms.
20 Blaustein had initially been informed that Promontory/IBM had no responsive documents for the
21 reasons previously stated, she just learned that there may be some documents from a non-custodial
22 source but that Ms. Blaustein had not yet had the opportunity to review the documents.
23 Promontory/IBM needs additional time to complete the review and, if appropriate, prepare the
24 documents for production.

25 6. On November 29, 2021, Plaintiffs submitted a Joint Stipulation and [Proposed]
26 Order to Extend Third Party Ernst & Young LLP’S Deadline to Respond to Subpoena seeking an
27 extension of Ernst & Young LLP’s response date until December 7, 2021. There have been no
28 other requests, or extensions or modifications to the Court’s November 16, 2021 Order Granting

1 in Part and Denying in Part Defendant's Motion for Protective Order (Dkt. 335).

2 7. Plaintiffs have determined that granting this extension should not result affect other
3 existing discovery deadlines.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed this 29th day of November, 2021 at Tampa, Florida.

6 /s/ Ryan J. McGee

7 Ryan J. McGee
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